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SENATE BILL 529

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Shannon Robinson

AN ACT

RELATING TO EDUCATION; AMENDING SECTIONS OF THE NMSA 1978 TO
MAKE ATTENDANCE AT THE NEW MEXICO SCHOOL FOR THE VISUALLY
HANDICAPPED UP TO PARENTAL DISCRETION AND TO REQUIRE THE
SCHOOL TO COMPLY WITH FEDERAL LAW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 21-5-2 NMSA 1978 (being Laws 1903,
Chapter 2, Section 6, as amended) is amended to read:

"21-5-2. MANAGEMENT OF NEW MEXICO SCHOOL FOR THE
VISUALLY HANDICAPPED-- CORPORATE POWERS. --

A. The management and control of the New Mexico
school for the visually handicapped, the care and preservation
of all property of which it shall become possessed, the
erection and construction of all buildings necessary for its
use and the disbursement and expenditure of all money

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1 appropriated by the state [~~of New Mexico~~] or that shall
2 otherwise come into the school's possession shall be vested in
3 a board of five regents, at least one of whom shall be
4 visually handicapped and at least one other of whom shall be
5 the parent of a visually handicapped child.

6 B. The regents and their successors in office
7 shall constitute a body corporate under the name and style
8 of "the board of regents of the New Mexico school for the
9 visually handicapped". The board has the right as such of
10 suing and being sued, of contracting and being contracted
11 with, of making and using a common seal and altering the
12 same at pleasure and of causing all things to be done
13 necessary to carry out the provisions of Chapter 21, Article
14 5 NMSA 1978. A majority of the board shall constitute a
15 quorum for the transaction of business, but a smaller number
16 may adjourn from time to time. The officers of the board
17 shall be elected in the same manner and possess the same
18 qualifications as the officers of the board of regents of
19 the university of New Mexico.

20 C. The board of regents of the New Mexico school
21 for the visually handicapped shall comply with provisions of
22 the fourteenth amendment to the United States constitution,
23 the federal Civil Rights of Institutionalized Persons Act
24 and the Individuals with Disabilities Education Act. "

25 Section 2. Section 21-5-5 NMSA 1978 (being Laws 1915,
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1 Chapter 33, Section 1, as amended) is amended to read:

2 "21-5-5. PARENTS AND GUARDIANS REQUIRED TO SEND BLIND
3 STUDENTS TO ~~[INSTITUTE]~~ SCHOOL--EXCEPTIONS.--Every parent,
4 guardian or person having control or custody of any child
5 who is between the ~~[ages]~~ age of five and the age of
6 majority and who on account of a visual handicap cannot be
7 educated in the public schools ~~[and shall]~~ may send ~~[such]~~
8 the child to the New Mexico school for the visually
9 handicapped at Alamogordo during each school year for a
10 period of seven years, unless the child is taught the
11 subjects ~~[as]~~ that are taught in the school, in a private
12 school, at home or in a similar institution in another state
13 or unless the child is suffering from a physical or mental
14 disability sufficient to incapacitate him from attending the
15 school. It ~~[shall be]~~ is the duty of the superintendent of
16 the New Mexico school for the visually handicapped to see
17 that each pupil in the school ~~[shall have]~~ has every
18 reasonable opportunity to practice his own religious belief
19 and that no impediment be placed in the way of ~~[such]~~ pupils
20 in the practice of their respective religious beliefs.
21 ~~[Provided that]~~ Whenever admission to the school is
22 requested for any person afflicted with a visual handicap
23 and under five years of age or over the age of majority, the
24 board of regents or superintendent ~~[thereof]~~ of the school
25 is empowered to admit the person under rules and regulations

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established by the board. "

- 4 -

1 FORTY- FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5 February 25, 1999

6
7 Mr. President:

8
9 Your EDUCATION COMMITTEE, to whom has been referred

10
11 SENATE BILL 529

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS, and thence referred to the
15 PUBLIC AFFAIRS COMMITTEE.
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18 Respectfully submitted,

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24 Cynthi a Nava, Chai rman
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1 Adopted _____ Not

2 Adopted _____

3 (Chief Clerk)

(Chief Clerk)

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6 Date _____

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8

9 The roll call vote was 6 For 0 Against

10 Yes: 6

11 No: 0

12 Excused: Adair, Duran, Garcia, Jennings

13 Absent: None

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1 FORTY- FOURTH LEGISLATURE

SB 529/a

2 FIRST SESSION, 1999

3
4
5
6 March 12, 1999

7
8 Mr. President:

9
10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
11 referred

12
13 SENATE BILL 529

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, amended as follows:

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19 1. On page 3, line 10, strike "seven years" and insert
20 in lieu thereof "time prescribed by an individual educational
21 program".

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23 Respectfully submitted,

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FIRST SESSI ON, 1999

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Shannon Robi nson, Chai rman

Adopted _____ Not

Adopted _____

(Chi ef Clerk)

(Chi ef Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Feldman, Howes, Leavell, Stockard

Absent: None

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FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

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FORTY- FOURTH LEGISLATURE

FIRST SESSION

March 15, 1999

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 529, as amended

Amendment sponsored by Senator Shannon Robinson

1. Strike Senate Public Affairs Committee Amendment 1.

2. On pages 2 through 4, strike Section 2 in its entirety.

3. On page 4, after line 1, insert a new section to read:

"Section 3. REPEAL. -- Sections 21-5-5 and 21-5-8 NMSA 1978 (being Laws 1915, Chapter 33, Sections 1 and 4, as amended) are repealed. "

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FORTY- FOURTH LEGISLATURE
FIRST SESSION

SF1/SB 529

Page 11

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Shannon Robinson

Adopted _____ Not Adopted

(Chief Clerk)

(Chief Clerk)

Date _____

129138. 1

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1 FORTY- FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 March 19, 1999

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8 Mr. Speaker:

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10 Your EDUCATION COMMITTEE, to whom has been
11 referred

12
13 SENATE BILL 529, as amended

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to
17 the APPROPRIATIONS AND FINANCE COMMITTEE.

18 Respectfully submitted,

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22 _____
23 Rick Mi era, Chai rman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HEC/SB 529a

Page 13

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 12 For 0 Against

Yes: 12

Excused: Wright

Absent: Burpo, Dana, Macko

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1 **FORTY- FOURTH LEGISLATURE**
2 **FIRST SESSION, 1999**

3
4 **March 19, 1999**

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6
7 **Mr. Speaker:**

8
9 **Your EDUCATION COMMITTEE, to whom has been**
10 **referred**

11 **SENATE BILL 529, as amended**

12
13 **has had it under consideration and reports same with**
14 **recommendation that it DO PASS, and thence referred to**
15 **the APPROPRIATIONS AND FINANCE COMMITTEE.**

16
17 **Respectfully submitted,**

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21 _____
22 **Rick Miera, Chairman**
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HEC/SB 529a

Page 15

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 12 For 0 Against

Yes: 12

Excused: Wright

Absent: Burpo, Dana, Macko

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